



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

AGENDA

Planning and Zoning Commission Regular Meeting*

Tuesday, May 1, 2018, at 5:30 P.M.

City Hall Meeting Room

201 E. Walnut

Call to Order

- ITEM 1:** Consider and take appropriate action regarding approval of the Planning and Zoning Commission Meeting Minutes on April 3, 2018.

Non Public Hearing Items:

- ITEM 2:** **FP2018-02** Commission to hear and take action to make a recommendation to City Council regarding Final Plat Application 2018-02—Mr. Jake Long's request, on behalf of J&S Wood Investments, to final plat Lots 1 & 2, Block 1, West Decatur Hill Subdivision, being a 28.41-acre tract of land in the G.M. Vigil Survey, Abstract Number 857, City of Decatur, Wise County, Texas. A complete legal description of the property is included in the staff report.
- ITEM 3:** **RP2018-04** Commission to hear and take action to make a recommendation to the City Council regarding Replat Application 2018-04—Mrs. Beth McCurdy's request to final plat Lot 3R, Block 16, Range C, Devereux Addition, being approximately 0.56 acres and a commercial replat of part of Lots 3 and 4, Block 16, Range C, Devereux Addition, to the City of Decatur, Wise County Texas. A complete legal description is included in the staff report.
- ITEM 4:** **V2018-04** Commission to hear and take action to make a recommendation to City Council regarding Variance Application 2018-04—Mr. Buddy Miller's request for a variance, on behalf of Todd Burger, Braided & Bundled, LLC, from Chapter 1, Section 106, Sidewalks of the City of Decatur's Design Standards on approximately 112.52 linear feet along S. Hatcher Street and 75.75 linear feet along E. Park Street, where adjacent to the west and south boundary of proposed Lot 3A, Block 76, South Decatur Addition, and more commonly known as 1303 S. Hatcher Street, City of Decatur, Texas.
- ITEM 5:** **V2018-05** Commission to hear and take action to make a recommendation to City Council regarding Variance Application 2018-05—Mr. Buddy Miller's request for a variance, on behalf of Todd Burger, Braided & Bundled, LLC, from Chapter 2, Section 201, Street Improvements of the City of Decatur's Design Standards on approximately 112.52 linear feet along S. Hatcher Street and 75.75 linear feet along E. Park Street, where adjacent to the west and south boundary of proposed Lot 3A, Block 76, South Decatur Addition, and more commonly known as 1303 S. Hatcher Street, City of Decatur, Texas.

Public Hearing Items:

- ITEM 6:** **RP2018-03** Commission to hear and take action to make recommendation to the City Council regarding Replat Application 2018-03—Mr. Luis Martinez's request to final plat Lots 1-4, Block 186R, Tarleton Addition, being approximately 0.782 acres and a replat of Block 186 and part of Block 187, James Tarleton Addition, to the

City of Decatur, Wise County Texas. A complete legal description is included in the staff report.

ITEM 7: **RP2018-05** Commission to hear and take action to make a recommendation to the City Council regarding Replat Application 2018-05—Mr. Buddy Miller’s request, on behalf of Mr. Todd Burger, to final plat Lot 3A, Block 76, South Decatur Addition, being approximately 0.196 acres of land and a replat of part of Lot 3 Block 76, South Decatur Addition, to the City of Decatur, Wise County Texas and more commonly referred to as 1303 S. Hatcher St., Decatur, Texas. A complete legal description is included in the staff report.

ITEM 8: **SI2018-01** Commission to hear and take action to make a recommendation to City Council regarding an ordinance amending Appendix “B”, “Zoning” of the Code of Ordinances of the City of Decatur, Texas to adopt regulations relating to Article 5, “Zoning Districts” relative to the C1-A, Decatur Square Business District and the C2, Thoroughfare Business District to regulate Multiple Family Dwellings in a Mixed Use Development, relating to Article 6, “Use Chart”, Table 7 to allow Multiple Family Dwellings as Part of a Mixed Use Development with a Specific Use permit and to remove the Loft Apartment Use as an allowed use in the Multiple Family Zoning District, providing amendments to Article 3, “Definitions” and other sections of Appendix “B”, “Zoning” as related to and resulting from the foregoing amendments to the C1-A, Decatur Square Business District and the C-2, Thoroughfare Business District.

ITEM 9: New and/or future business items:
a. June meeting currently has one (1) application.

Adjournment

Prepared and posted this the 27th day of April, 2018, in accordance with Chapter 551, Texas Government Code.

Dedra Denée Ragland, AICP
Planning and Development Director

*NOTE: THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO A CLOSED MEETING AT ANY TIME REGARDING ANY ITEM ON THE AGENDA FOR WHICH IT IS LEGALLY PERMISSIBLE **UNDER THE TEXAS OPEN MEETINGS ACT PURSUANT TO LGC 551.071.**

MINUTES

A regular called meeting of the City of Decatur Planning and Zoning Commission was held at 5:30 p.m., Tuesday, April 3, 2018, at City Hall with the following in attendance:

MEMBERS PRESENT:

William D. Edwards, Chairman
 Cecil LeMond, Vice-Chairman
 Curtis Creswell
 Terry Berube
 John Lanier
 Eddie Allen
 Eileen Standridge

MEMBERS ABSENT:

OTHERS PRESENT: Planning and Development Director Dedra Ragland, City Engineer Earl Smith, Building Official Wayne Smith and Development Review Coordinator Shanna Smith, representing the staff; and Audra Rhine, Kelly Garrett, Mark Leon, Hank Wright, Eric Zollinger and Troy Wolfe representing the applicants.

Chairman Edwards called the meeting to order at 5:32 p.m.

ITEM 1: Consider and take appropriate action regarding approval of the Planning and Zoning Commission Meeting Minutes on March 6, 2018.

Vice-Chairman LeMond made a motion to approve the Meeting Minutes for March 6, 2018. Commissioner Allen seconded the motion. The motion passed 6-0.

Public Hearing Items:

ITEM 2: **ZC2018-01** Commission to hear and take action to make a recommendation to City Council regarding Zoning Change Application 2018-01—Mr. Mark Southard's request to amend the zoning map from a Single Family-2 (SF-2) Zoning District to a Two Family (2F) Zoning District on Lot 1R-1, Block 79, South Decatur Addition, a 0.258 acre-tract of land and is more commonly referred to as 1301 S. State Street, Decatur, Texas. A complete legal description of the property is included in the staff report.

Planning Director Ragland presented the staff report. A Two Family (2F) Zoning District is consistent with the underlying Medium Density Residential (MDR) Land Use. Nineteen (19) property owners were notified with no responses in favor of, opposed to or neutral to the request. Staff recommended approval.

Commissioner Allen made a motion to recommend approval of Zoning Change Application 2018-01. Commissioner Standridge seconded the motion. The motion passed 6-0.

Non Public Hearing Items:

ITEM 3: **PP2017-12** Commission to hear and take action to make a recommendation to City Council regarding Preliminary Plat Application 2017-12—Mr. Jake Long's request, on behalf of J&S Wood Investments, to preliminary plat Lots 1 & 2, Block 1, West Decatur Hill Subdivision, being a 28.41-acre tract of land in the G.M. Vigil Survey, Abstract Number 857, City of Decatur, Wise County, Texas. A complete legal description of the property is included in the staff report.

Planning Director Ragland presented the staff report. The property went through a zoning change last year changing the zoning district from a Single Family (SF-1) Zoning District to a Thoroughfare Business (C-2) Zoning District. Orscheln Farm & Home is the proposed business for the property. Staff recommended approval.

Commissioner Allen asked if this is the property across from Lowe's. Planning Director Ragland answered, yes.

Vice-Chairman LeMond made a motion to recommend approval of Preliminary Plat Application 2017-12. Commissioner Lanier seconded the motion. The motion passed 6-0.

ITEM 4: PP2018-01 Commission to hear and consider and take action to make a recommendation to City Council regarding Preliminary Plat Application 2018-01—Mr. Kelly Garrett's request, on behalf of JRJ Wood LP, to preliminary plat Lot 1, Block 1, Legacy Trails of Decatur, being 7.51 acres in the Samuel Isaacs Survey, Abstract Number 454 and being a portion of that called 60.075-acre tract of land described in the deed to JRJ Wood, L.P., Wise County, Decatur, Texas. A complete legal description of the property is included in the staff report.

Planning Director Ragland presented the staff report. In 2017, City Council was presented with several projects for tax credit properties. The tax credit property chosen will be an age restricted development for 55 and older. Staff recommended approval.

Commissioner Creswell made a motion to recommend approval of Preliminary Plat Application 2018-01. Vice-Chairman LeMond seconded the motion. The motion passed 6-0.

ITEM 5: FP2018-01 Commission to hear and consider and take action to make a recommendation to City Council regarding Final Plat Application 2018-01—Mr. Kelly Garrett's request, on behalf of JRJ Wood LP, to final plat Lot 1, Block 1, Legacy Trails of Decatur, being 7.51 acres in the Samuel Isaacs Survey, Abstract Number 454 and being a portion of that called 60.075-acre tract of land described in the deed to JRJ Wood, L.P., Wise County, Decatur, Texas. A complete legal description of the property is included in the staff report.

Planning Director Ragland presented the staff report. Staff recommended approval.

Commissioner Lanier made a motion to recommend approval of Final Plat Application 2018-01. Commissioner Standridge seconded the motion. The motion passed 6-0.

ITEM 6: V2018-03 Commission to hear and take action to make a recommendation to City Council regarding Variance Application 2018-03—Mr. and Mrs. Troy Wolfe's request for a variance from Chapter 1, Section 106, Sidewalks of the City of Decatur's Design Standards on approximately 130.31 linear feet along Shady Lane, where adjacent to the west boundary of Lot 22, Woodland Estates, and more commonly known as 1400 Shady Lane, City of Decatur, Texas.

Planning Director Ragland presented the staff report. Staff met with Mr. and Mrs. Wolfe to discuss their proposal for an addition to their home. As part of permitting, the Wolfe's need to meet Design Standards for sidewalks. Staff recommended approval.

Commissioner Allen asked if the area is built out. Planning Director Ragland answered, yes. Commissioner Creswell stated the curbs in this addition are sloped. City Engineer Earl Smith stated "lay" curbing is allowable, and the subdivision is completely platted. Commissioner Creswell noted the street is a dead-end street. Commissioner Standridge stated due to the location of the subdivision, no children will be walking to and from school. Commissioner Creswell also noted sidewalks will not be aesthetically pleasing in this area. Planning Director Ragland stated the home owner also agrees that the sidewalks will not be aesthetically pleasing.

Commissioner Allen made a motion to recommend approval of Variance Application 2018-03. Commissioner Berube seconded the motion. The motion passed 6-0.

ITEM 7: New and/or future business items:

- a. May meeting currently has eight (8) applications:
 - i. SI2018-01 – Zoning Amendments to C-1A Zoning District
 - ii. SI2018-02 – Zoning Amendments related to Food Establishment Rules

- iii. FP2018-02 – West Decatur Hills Subdivision
- iv. RP2018-03 – Lots 1-4, Block 186R, James Tarleton Addition
- v. RP2018-04 – Lot 3R, Block 16, Range C, Devereux Addition (Commercial Replat)
- vi. RP2018-05 – Lot 3A, Block 76 South Decatur Addition
- vii. V2018-04 – Sidewalk Variance, 1303 S. Hatcher
- viii. V2018-05 – Curb & Gutter Variance, 1303 S. Hatcher

- The aforementioned eight applications are currently on the May agenda and Zoning Amendments to C-1A Zoning District.
- The Zoning Amendments related to Food Establishment Rules may not be on the May agenda.
- b. City Engineer Smith told the Commission staff has begun budget talks. If P&Z has suggestions about how to move the City forward, please make those suggestions to City Council members.
 - Planning Director Ragland added amendments need to be made to the Long Range Master Plan and Sign Regulations. She cautioned that amendments to Sign Regulations will need to be handled through legal counsel because of First Amendment rights.
 - Planning Director Ragland stated building construction is picking up. Development Services currently has a temporary employee, Cheryl Fuss, who is needed as a permanent full-time employee. Cheryl has proven to be an asset to the City and has an extensive background in municipal permitting.
 - The City no longer has a Health Inspector on staff. The City has realized significant savings by using an outside consultant for health inspections.
 - Chairman Edwards stated the P&Z does not review budgets. City Engineer Smith stated that doesn't mean the Commissioners can't give input on projects and activities you would like to see happen or have heard from the community regarding what projects they would like to see happen.
 - Planning Director Ragland stated public input meetings are necessary to inform citizens of the direction the City is going. She stated Staff is exhausted and facing the same challenges as larger cities. Long Range planning is vital for growth and longevity of the City.
 - Chairman Edwards asked if the public input meetings should be with builders and developers. Planning Director answered, yes if that is where the P&Z would like to start. Commissioner Allen noted development outside our city effects our city streets. Planning Director Ragland agreed and added the increased development inside the City will effect our water and sewer lines and plants.
 - Chairman Edwards asked Planning Director Ragland if she will talk to the Mayor and inform him of P&Z's desire for an open discussion forum on the budget. Commissioner Standridge asked Planning Director Ragland to tell the Council that the P&Z is supportive of Staff.
 - Commissioner Creswell stated there is a need for education in the community. Planning Director Ragland agreed education is important; however, citizens have to show an interest in the issues that surround their community. She stated many people allow emotion to drive their decisions instead of looking at matters from a factual standpoint. Planning Director Ragland and City Engineer Smith both stated the recent Specific Use Permit for a daycare in the South Martin Branch subdivision became an emotional issue. Commissioner Allen stated people need to speak facts and remove emotion.
 - Chairman Edwards asked Planning Director Ragland to "test the water" with Council and report back to P&Z. Planning Director Ragland stated she will bring the concerns to the Mayor.

The meeting adjourned at 6:03 p.m.

William D. Edwards, Chairman

ATTEST:

Dedra Denée Ragland, Planning Director



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Agenda Item 2

STAFF REPORT

May 1, 2018–Planning & Zoning Commission Meeting

TO: Planning & Zoning Commissioners

CASE: FP2018-02

FROM: Dedra D. Ragland, AICP, Planning Director

APPLICANT: Jake Long's request, on behalf of J&S Wood Investments

DATE: April 13, 2018

REQUEST: Final Plat Application

Case Notes:

Hear staff report and consider taking action to make a recommendation to City Council regarding Final Plat Application 2018-02—Mr. Jake Long's request, on behalf of J&S Wood Investments, to final plat Lots 1 & 2, Block 1, West Decatur Hill Subdivision, being a 28.41-acre tract of land in the G.M. Vigil Survey, Abstract Number 857, City of Decatur, Wise County, Texas. A complete legal description of the property is included in the staff report.

Legality:

This property can be legally platted in accordance with Section 212 of the *Texas Local Government Code*.

Issues:

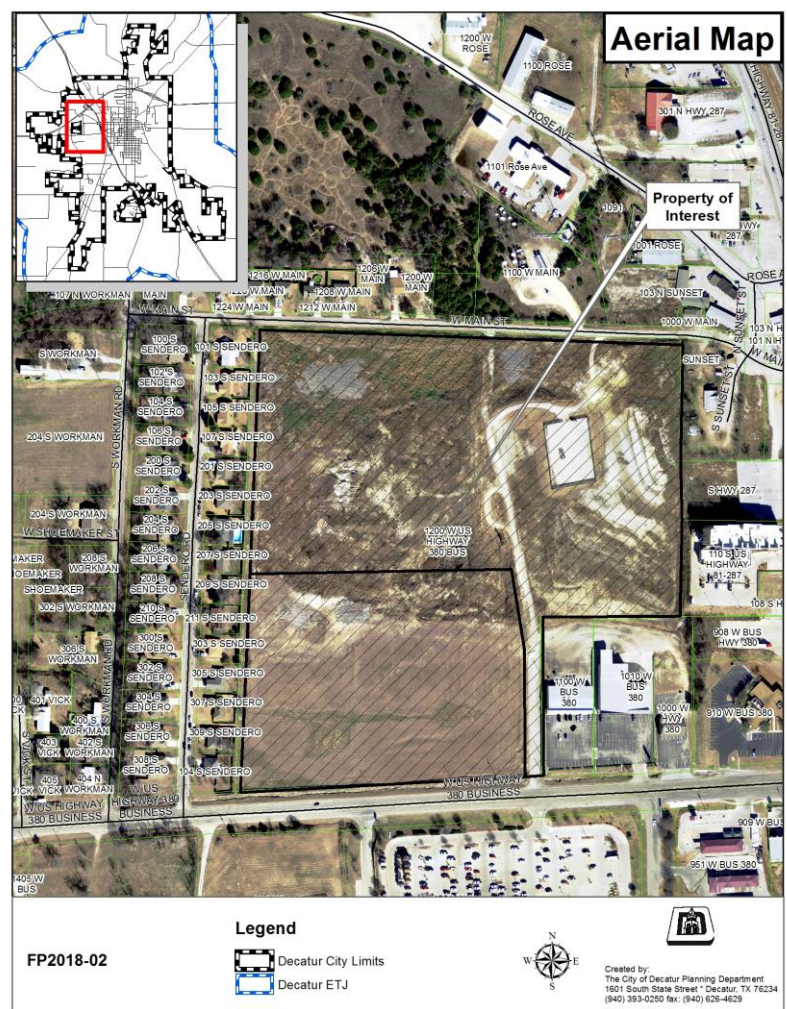
None.

Recommendation:

The plat meets the minimum requirements of the City of Decatur's Zoning Ordinance, Subdivision Regulations and the Design Standards. Staff recommends approval.

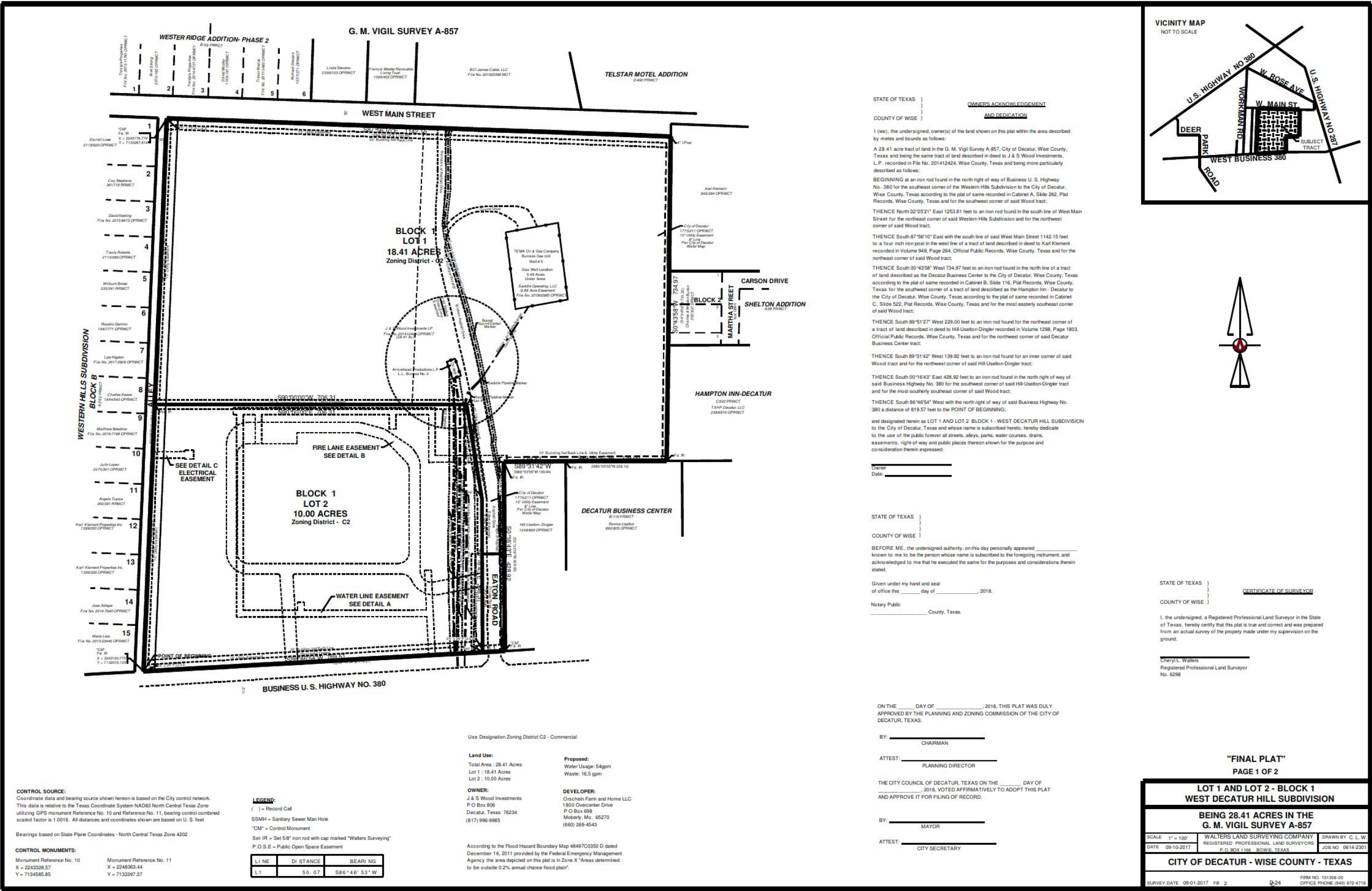
Attachment:

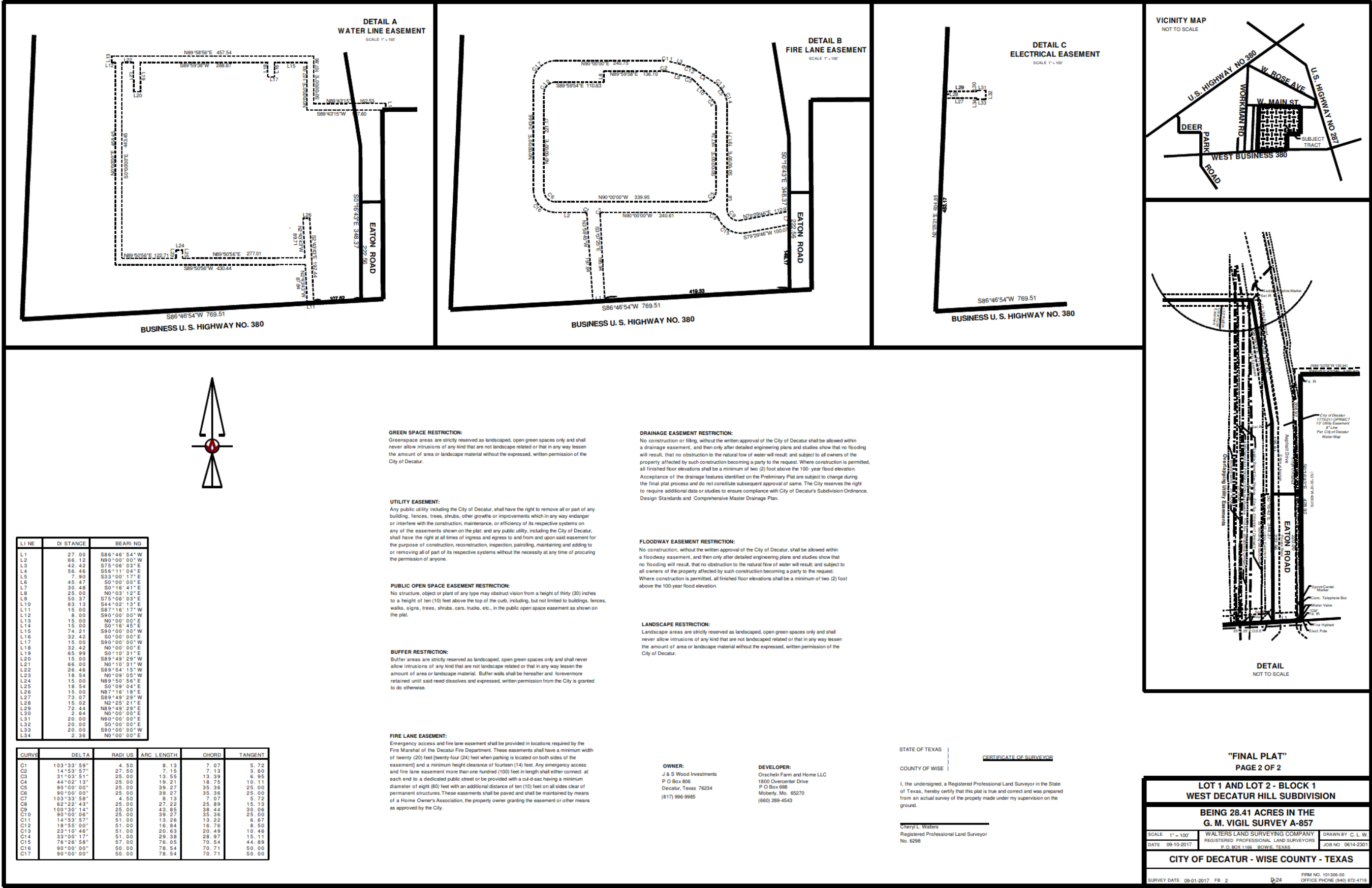
1. Final Plat Exhibit



LOCATION MAP

ATTACHMENT 1
Final Plat Exhibit







CITY OF DECATUR, TEXAS

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Agenda Item 3

STAFF REPORT

May 1, 2018–Planning & Zoning Commission Meeting

TO: Planning & Zoning Commissioners

CASE: RP2018-04

FROM: Dedra D. Ragland, AICP, Planning Director

APPLICANT: Beth McCurdy

DATE: April 13, 2018

REQUEST: Replat Application

Case Notes:

Hear staff report and consider taking action to make a recommendation to City Council regarding Replat Application 2018-04—Mrs. Beth McCurdy's request to final plat Lot 3R, Block 16, Range C, Devereux Addition, being approximately 0.56 acres and a commercial replat of part of Lots 3 and 4, Block 16, Range C, Devereux Addition, to the City of Decatur, Wise County Texas. A complete legal description is included in the staff report.

Legality:

This property can be legally platted in accordance with Section 212 of the *Texas Local Government Code*.

Issues:

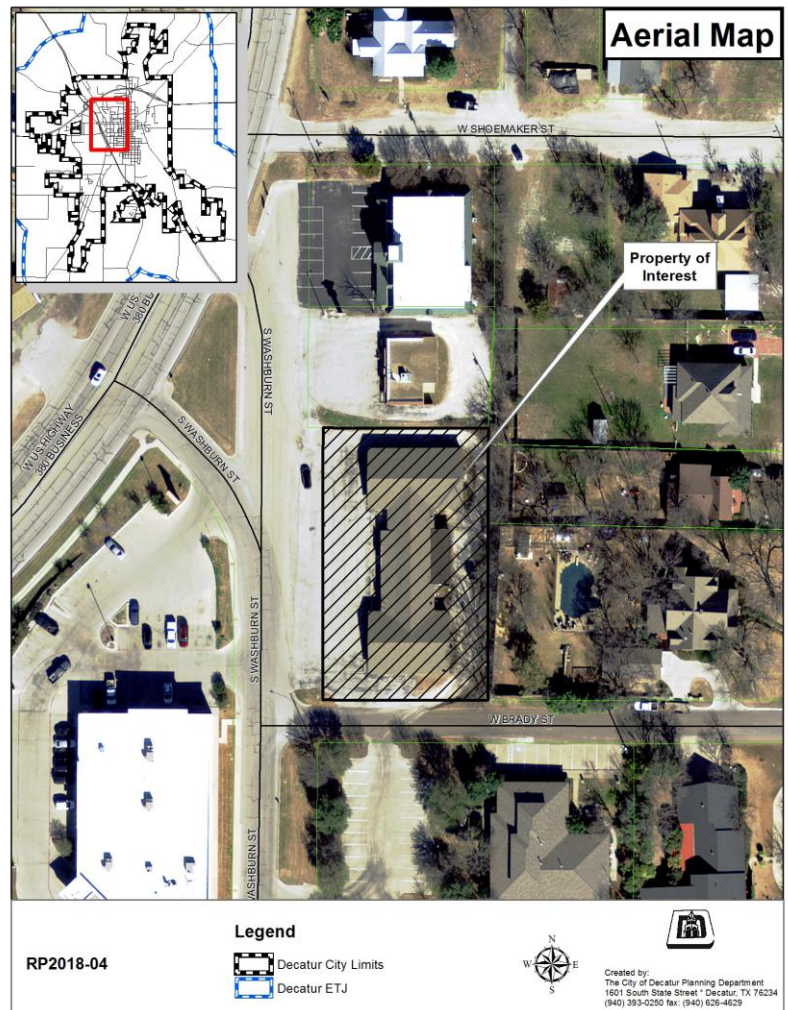
None.

Recommendation:

The plat meets the minimum requirements of the City of Decatur's Zoning Ordinance, Subdivision Regulations and the Design Standards. Staff recommends approval.

Attachments:

1. Replat Exhibit



LOCATION MAP



CITY OF DECATUR, TEXAS

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STAFF REPORT

May 1, 2018–Planning & Zoning Commission Meeting

TO: Planning & Zoning Commissioners	CASE: V2018-04
FROM: Dedra D. Ragland, AICP, Planning Director	APPLICANT: Buddy Miller, on behalf of Todd Burger
DATE: April 13, 2018	REQUEST: Variance for Sidewalk along S. Hatcher Street & E Park Street

Case Notes:

Hear and consider and take action to make a recommendation to City Council regarding Variance Application 2018-04—Mr. Buddy Miller’s request for a variance, on behalf of Todd Burger, Braided & Bundled, LLC, from Chapter 1, Section 106, Sidewalks of the City of Decatur’s Design Standards on approximately 112.52 linear feet along S. Hatcher Street and 75.75 linear feet along E. Park Street, where adjacent to the west and south boundary of proposed Lot 3A, Block 76, South Decatur Addition, and more commonly known as 1303 S. Hatcher Street, City of Decatur, Texas.

Legality:

According to the Decatur Design Standards, where specific topographic or other conditions make variance from these standards necessary in order to achieve the best overall design, the Planning Director upon recommendation from the City Engineer and Public Works Director may modify these standards (§101.7). The Planning and Zoning Commission may recommend and the City Council may authorize a variance from these standards when, in its opinion, extraordinary hardship will result from requiring strict compliance.

Analysis:

Mr. Buddy Miller met with Building Official Wayne Smith to discuss an addition to a home located at 1303 S. Hatcher. Building Official Wayne Smith informed Mr. Miller the property was not properly platted. Permitting triggers compliance with ALL City Standards and Regulations including sidewalk construction. Per Appendix B “Zoning,” Section 4.5.1 “Building Permits Required:”

No Building or other Structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Official. A building permit shall not be issued except in conformity with the provisions of this Ordinance, unless otherwise authorized by the Board of Adjustment in the form of a Variance or as otherwise provided in this Ordinance. Subject to the foregoing, a building permit shall not be issued until the property is properly zoned for the intended use, the property is platted in accordance with the Subdivision Ordinance, all appropriate plans have been approved by the City, all applicable ordinances have been met, and all fees have been paid.

Per the following excerpts from Section 106 of the Decatur Design Standards, Sidewalks shall be required in all new subdivision as follows:

1. Sidewalks shall be constructed for all lots adjoining dedicated streets, along major thoroughfares where lots do not adjoin the street, across power line easements and in other areas where pedestrian walkways are necessary.

2. Sidewalks shall be designed and constructed to minimize pedestrian and automobile conflicts in order to provide the safest pedestrian access possible.
3. Sidewalks shall be designed and constructed so as to connect with existing pedestrian walkways and to assure connection with future pedestrian walkways. Sidewalks shall be constructed either one (1) foot from the property line within the street right-of-way or within a dedicated sidewalk easement and shall extend along the street frontage including the side of corner lots and block ends. Lots requiring landscaping shall put trees between the sidewalk and the street.
4. Sidewalks along existing thoroughfares or streets so designated by the Master Plan shall be no less than four (4) feet in width.
5. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the subdivision.
6. The plat or construction plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
7. All sidewalks shall conform to ADA requirements.

Proposed Conditions for Approval:

The City Council may wish to consider whether or not the applicant meets all of the following four conditions in order for variance to be granted. (*City Council may wish to not grant variances due to Financial or self-induced hardships:*):

1. The requested variance does not violate the intent and spirit of the ordinance.
2. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel and are not applicable to other parcels of land in the same zoning district.
3. The hardship is not the result of the applicant's actions, and
4. The interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

These four conditions are listed on the application and the applicant is asked to explain how he/she meets these conditions. (See Attachment 2)

Findings:

City Engineer offers the following findings:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land;
Property is located and surrounded by Single Family development. Appears property was included in the original City of Decatur map (circa 1900's) and has remained substantially unchanged. Property was developed prior to City having a Subdivision Ordinance which would have required sidewalks. No sidewalks exist in the neighborhood.
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

No sidewalks exist in the neighborhood. The addition of sidewalks should not affect property rights of owner, although no sidewalks exist within a reasonable distance from this property.

3. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;

No sidewalks exist in the neighborhood. The property has been developed for many years (included in original City of Decatur map, circa 1900's), therefore, it could be believed that the absence of sidewalks has not necessarily adversely impacted pedestrian safety.

4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

Area surrounding property is built out. Future replatting of surrounding properties that would require construction of sidewalks will occur in a random fashion. It is not reasonable to expect nearly all properties to have sidewalks unless City does a comprehensive project in the neighborhood.

Attachment:

1. Location Map
2. Variance Application, Checklist & Justification Letter
3. Sidewalk Variance Exhibit
4. Memo from City Engineer

Attachment 1
Location Map



Attachment 2
Variance Application, Checklist & Justification Letter

CITY OF DECATUR DEVELOPMENT SERVICES UNIVERSAL APPLICATION		
Check box to indicate application type		Incomplete applications will be rejected
<input type="checkbox"/> Annexation Petition <input type="checkbox"/> Amending Plat <input type="checkbox"/> Comprehensive Plan Amendment <input checked="" type="checkbox"/> Conveyance Instrument <input checked="" type="checkbox"/> Design Standards Variance <i>Sidewalk</i> <input type="checkbox"/> Final Plat	<input type="checkbox"/> Gas Well Development Plat <input type="checkbox"/> Plat Extension-Final or Preliminary <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Replat <input type="checkbox"/> ROW Use Agreement <input type="checkbox"/> ROW Abandonment/ Closing	<input type="checkbox"/> Special Use Permit <input type="checkbox"/> Subdivision Variance <input type="checkbox"/> Zoning Change <input checked="" type="checkbox"/> Zoning Variance (ZBA) <input type="checkbox"/> Vacation Plat <input type="checkbox"/> Other _____
Application Requirements: Signed application form, application fees, Copy and filing fees, Proof of Ownership (Recorded Deed or current tax statements), required # of plats / plans, signed checklist and a PDF of all documentation.		
PROJECT INFORMATION:		
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <i>If this property is not platted, submit a survey with complete metes and bounds description sealed by a licensed surveyor.</i>		Is this property platted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Total Acres <u>0.196</u>
Project Name: <u>1303 S. Hatcher</u>		Parcel(s) Tax ID R #: _____
Project Address (Location): <u>Lot 3A Block 76, South Decatur Addition</u>		Parcel(s) Tax ID GEO #: _____
Parent Project Name/Number <u>NA</u>		Parcel(s) Tax ID GEO #: _____
Brief Description of Project: <u>Residential Rehab/Home Renovation</u>		ETJ <input type="checkbox"/> Yes
Please state the identity of any individual(s), or other entities that presently hold a lien upon the real estate which is the subject of this request: <u>No lien holders/Property owned outright</u> . Lien holder/mortgagee must also sign plat for filing of record.		
Existing Use: <u>MDR</u>	Existing Zoning: <u>SF2</u>	# of Existing Lots: <u>1</u> # of Existing Units: <u>1</u>
Proposed Use: <input checked="" type="checkbox"/>	Proposed Zoning: <input checked="" type="checkbox"/>	# of Proposed Lots <input checked="" type="checkbox"/> Proposed Units: <input checked="" type="checkbox"/>
APPLICANT INFORMATION:		
Please circle your preferred method of contact.		
Applicant / Company <u>Braided & Bundled, LLC</u>		Email <u>tbbits1@gmail.com</u>
Address <u>1709 CR 913</u>	Phone <u>405 207 6086</u>	Fax <u>817.704.4662</u>
City <u>Burleson</u>	State <u>TX</u>	Zip <u>76028</u>
Property Owner <u>Braided & Bundled, LLC (Todd Burger)</u>		Email <u>tbbits1@gmail.com</u>
Address <u>1709 CR 913</u>	Phone <u>405 207 6086</u>	Fax <u>817.704.4662</u>
City <u>Burleson</u>	State <u>TX</u>	Zip <u>76028</u>
Key Contact/Company <u>Rising M Construction (Buddy Miller)</u>		Email <u>risingm.constructionco@gmail.com</u>
Address <u>2548 CR 4680</u>	Phone <u>682 478 8596</u>	Fax _____
City <u>Boyd</u>	State <u>TX</u>	Zip <u>76023</u>
(MUST BE SIGNED FOR ALL APPLICATIONS) - Letter of authorization required if signature is other than property owner and a letter of authorization is required from lienholder/mortgagee, if applicable. I hereby certify that I am the owner of the property identified in this application; or, that I am the authorized agent of the owner of said property; and that I am authorized to act in their behalf, and that this application, to the best of my knowledge and belief, is true and correct.		For Departmental Use Only Case#: <u>V208-04</u> Project Map: <u>1028</u> Total Fees: <u>75</u> Payment Method: <u>1000</u> Submittal Date: <u>3-2-18</u> Accepted By: <u>PM</u>
<u>Todd Burger</u> SIGNATURE OF PROPERTY OWNER		
_____ SIGNATURE OF LIEN HOLDER		
PLAT WAIVER (MUST BE SIGNED FOR ALL PRELIMINARY, FINAL & REPLATS) I waive the statutory time limits in accordance with Section 212 of the Texas Local Government Code. <u>Todd Burger</u> SIGNATURE OF PROPERTY OWNER		
Known to me to be the person(s) whose name is subscribed to the above and foregoing instrument, and I acknowledge before me that they executed the same for the purposes and consideration expressed and in the capacity therein stated. Given under my hand and seal of office on this _____ day of _____ 20_____.		<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED MAR 2 1 2018 CITY OF DECATUR DEVELOPMENT SERVICES </div>
Notary Public: _____		



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State St ★ P.O. Box 1299 ★ Decatur, TX 76234 ★ www.decaturtx.org

Sidewalks

Design Standards Variance Request Subdivision Variance Request Checklist

General Requirements:

- ☐ A universal application form and the appropriate fees.
- ☐ A letter of explanation/justification. See section below.
- ☐ Submit a total of five (5) copies of site plan (if applicable) for the property. These copies should be individually folded with drawing side out.
- ☐ A location map clearly indicating the site in relation to adjacent streets, distance to nearest intersection and other landmarks.
- ☐ Submit one (1) copy of proof of ownership (recorded property deed or current year tax statements).
- ☐ Submit documentation on any and all liens and lien holders of property.
- ☐ I have reviewed the checklist and all submittals for completeness and accuracy. If application submittal is determined to be incomplete, additional fees may be assessed.

Variance Requested:

I, Braided & Bundled, LLC (Todd Burger), being the owner of the property located at 1303 S. Hatcher, Decatur, Tx
 which is is not currently under consideration for final platting, request a variance
 from:

☒ Design Standards
 Chapter 1

- Section 106 Sidewalks
 - ☒ Construction (Section 106.1)
 - ☒ Minimum Width (Section 106.7)
 - Section 107 Landscape Design
 - ☐ Single-Family Landscaping Requirements
 - ☐ Multi-Family Landscaping Requirements
 - ☐ Office/Retail/Commercial Landscaping Requirements
 - ☐ Industrial Landscaping Requirements
 - Section 108 Buffering
 - ☐ Type A Buffering—4' Fence with one (1) linear landscaping band
 - ☐ Type B Buffering—6' Decorative fence architecturally compatible with general area with one (1) linear landscaping band
 - ☐ Type C Buffering—6' Decorative fence architecturally compatible with general area with two (2) linear landscaping bands
- Specify nature of request checked above

Chapter 2

- Section 201 Street Improvements
 - ☐ Curb and Gutter (Section 201.2.3)

Other

Specify Chapter

- Specify Section _____
- ☐ Specify Sub-Section _____

Specify nature of any item checked above Construction of sidewalks in the area is unnecessary due to the lack of sidewalks throughout the neighborhood. Property is an established residence that was constructed prior to sidewalk ordinance.

☐ Subdivision Regulations

Specify nature of request _____

Form Updated: 03/2012

Content of the Letter of explanation/justification for a Variance:

I understand that I am applying for a variance from the Design Standards/Subdivision Regulations of the City of Decatur and that this variance can only be granted if I prove hardship by meeting all four of the conditions below. I also understand that financial or self-induced hardship cannot be considered for granting a variance. Below I explain exactly how I meet these four conditions:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land. (Specify how):

The property is an older established property that was developed prior to the existence of the sidewalk ordinance. There are no other sidewalks in the neighborhood. The addition of sidewalks will decrease the space available for other uses by the property owner.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. (Specify):

The Property is an already established home that has been in existence in the area for decades.
There are no sidewalks in the neighborhood. The addition of sidewalks would actually hurt the visual appeal of the area by making the aesthetic appeal of the area inconsistent.

3. Granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area. (Specify):

There are no other sidewalks in the neighborhood. The lack of sidewalks at this property will not cause a concern for public health, safety or welfare because all of the other properties in the area have the same conditions.

4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the Design Standards or Subdivision Regulations and that the interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions. (Specify):

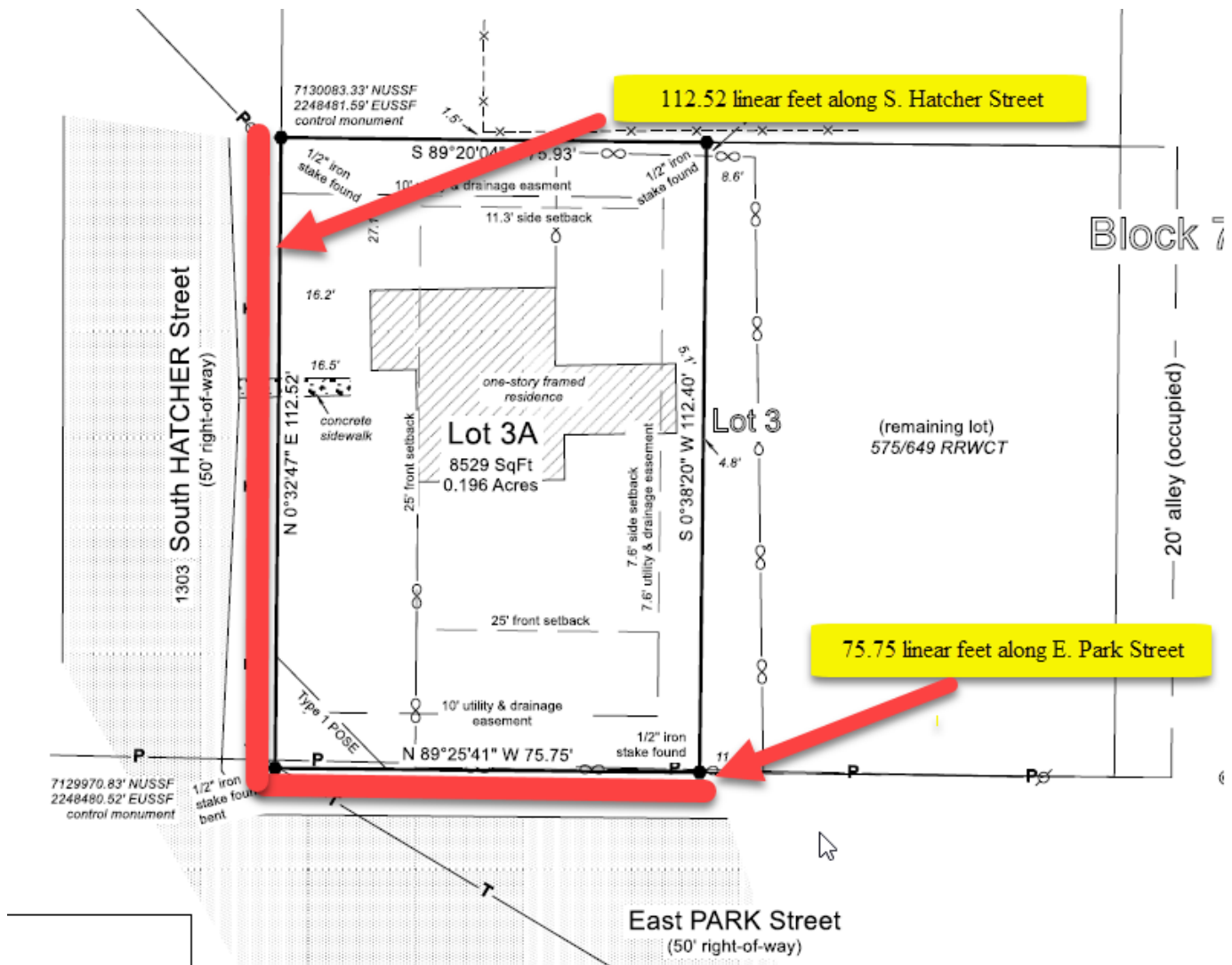
It is unreasonable to believe that adding sidewalks to one property on the block will result in a positive improvement within the area. If the city plans to implement this ordinance a comprehensive project throughout the entire neighborhood will be needed.


Signature

Date

Form Updated: 03/2012

Attachment 3
Sidewalk Variance Exhibit



Attachment 4
Memo from City Engineer



City of Decatur
City Engineer

Memo

To: Shanna Smith
Dedra Ragland

Cc: Greg Hall
Katherine Griffith

From: Earl Smith, P.E., CFM, City Engineer

Date: 03/27/2018

Re: 2018-04; Variance Request, Sidewalk on S. Hatcher and E. Park Streets; Lot 3A, Block 76, South Decatur Addition; 1303 S. Hatcher

Comments on Variance Request:

From Subdivision Ordinance: 103.8 - Conditions for Approval.

No variance shall be granted unless the Council finds that all of the following conditions exist:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land;

Property is located and surrounded by Single Family development. Appears property was included in the original City of Decatur map (circa 1900's) and has remained substantially unchanged. Property was developed prior to City having a Subdivision Ordinance which would have required sidewalks. No sidewalks exist in the neighborhood.

And;

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

No sidewalks exist in the neighborhood. The addition of sidewalks should not affect property rights of owner, although no sidewalks exist within a reasonable distance from this property.

And;

3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;

No sidewalks exist in the neighborhood. The property has been developed for many years (included in original City of Decatur map, circa 1900's), therefore it could be believed that the absence of sidewalks has not necessarily adversely impacted pedestrian safety.

And;

4. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

Area surrounding property is built out. Future replatting of surrounding properties that would require construction of sidewalks will occur in a random fashion. It is not reasonable to expect nearly all properties to have sidewalks unless City does a comprehensive project in the neighborhood.



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

STAFF REPORT

May 1, 2018–Planning & Zoning Commission Meeting

TO: Planning & Zoning Commissioners	CASE: V2018-05
FROM: Dedra D. Ragland, AICP, Planning Director	APPLICANT: Buddy Miller, on behalf of Todd Burger
DATE: April 13, 2018	REQUEST: Variance for Curb & Gutter along S Hatcher & E Park Street

Case Notes:

Hear and consider and take action to make a recommendation to City Council regarding Variance Application 2018-05—Mr. Buddy Miller’s request for a variance, on behalf of Todd Burger, Braided & Bundled, LLC, from Chapter 2, Section 201, Street Improvements of the City of Decatur’s Design Standards on approximately 112.52 linear feet along S. Hatcher Street and 75.75 linear feet along E. Park Street, where adjacent to the west and south boundary of proposed Lot 3A, Block 76, South Decatur Addition, and more commonly known as 1303 S. Hatcher Street, City of Decatur, Texas.

Legality:

According to the Decatur Design Standards, where specific topographic or other conditions make variance from these standards necessary in order to achieve the best overall design, the Planning Director upon recommendation from the City Engineer and Public Works Director may modify these standards (§101.7). The Planning and Zoning Commission may recommend and the City Council may authorize a variance from these standards when, in its opinion, extraordinary hardship will result from requiring strict compliance.

Analysis:

Mr. Buddy Miller met with Building Official Wayne Smith to discuss an addition to a home located at 1303 S. Hatcher. Building Official Wayne Smith informed Mr. Miller the property was not properly platted. Permitting triggers compliance with ALL City Standards and Regulations including street improvements. Per Appendix B “Zoning,” Section 4.5.1 “Building Permits Required:”

No Building or other Structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Official. A building permit shall not be issued except in conformity with the provisions of this Ordinance, unless otherwise authorized by the Board of Adjustment in the form of a Variance or as otherwise provided in this Ordinance. Subject to the foregoing, a building permit shall not be issued until the property is properly zoned for the intended use, the property is platted in accordance with the Subdivision Ordinance, all appropriate plans have been approved by the City, all applicable ordinances have been met, and all fees have been paid.

Per the following excerpt from Section 201.2.3 of the Decatur Design Standards, Curb and Gutter shall be required in all new subdivision as follows:

Whenever a subdivision, development or new construction occurs adjacent to an existing street, the street shall be curbed and guttered according to the specifications given herein.

Proposed Conditions for Approval:

The City Council may wish to consider whether or not the applicant meets all of the following four conditions in order for variance to be granted. (*City Council may wish to not grant variances due to Financial or self-induced hardships:*):

1. The requested variance does not violate the intent and spirit of the ordinance.
2. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel and are not applicable to other parcels of land in the same zoning district.
3. The hardship is not the result of the applicant's actions, and
4. The interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

These four conditions are listed on the application and the applicant is asked to explain how he/she meets these conditions. (See Attachment 2)

Findings:

City Engineer offers the following findings:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land;

Property is located and surrounded by Single Family homes; Appears property was developed prior to City having a Subdivision Ordinance which would have required curb and gutter. Curbs exist across street and next door on Hatcher; curbs exist across street on E. Park. The entire 100 & 200 blocks of E. Park is curbed on the north side. Curb and gutter is spotty in the neighborhood. Curb and gutter on this property will lend to a more continuous curbing of street and help preserve the street.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

Curb and gutter is not continuous in neighborhood but does exist in close proximity. The addition of curb and gutter should not affect property rights of owner.

3. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;

Curbs are limited in the neighborhood but do exist in close proximity. The property has been developed for many years, therefore it could be believed that the absence of curbs has not necessarily adversely impacted safety.

4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

Area surrounding property is built out; Future replatting of neighboring properties could occur, requiring construction of curbs.

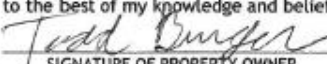
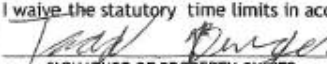
Attachment:

1. Location Map
2. Variance Application, Checklist & Justification Letter
3. Sidewalk Variance Exhibit
4. Memo from City Engineer

Attachment 1
Location Map



Attachment 2
Variance Application, Checklist & Justification Letter

CITY OF DECATUR DEVELOPMENT SERVICES UNIVERSAL APPLICATION		
Check box to indicate application type	Incomplete applications will be rejected	
<input type="checkbox"/> Annexation Petition <input type="checkbox"/> Amending Plat <input type="checkbox"/> Comprehensive Plan Amendment <input type="checkbox"/> Conveyance Instrument <input checked="" type="checkbox"/> Design Standards Variance <input type="checkbox"/> Final Plat	<input type="checkbox"/> Gas Well Development Plat <input type="checkbox"/> Plat Extension-Final or Preliminary <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Replat <input type="checkbox"/> ROW Use Agreement <input type="checkbox"/> ROW Abandonment/ Closing	<input type="checkbox"/> Special Use Permit <input type="checkbox"/> Subdivision Variance <input type="checkbox"/> Zoning Change <input checked="" type="checkbox"/> Zoning Variance (ZBA) <input type="checkbox"/> Vacation Plat <input type="checkbox"/> Other _____
Application Requirements: Signed application form, application fees, Copy and filing fees, Proof of Ownership (Recorded Deed or current tax statements), required # of plats / plans, signed checklist and a PDF of all documentation.		
PROJECT INFORMATION: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial Is this property platted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>If this property is not platted, submit a survey with complete metes and bounds description sealed by a licensed surveyor</small> Project Name: <u>1303 S. Hatcher</u> Total Acres: <u>0.196</u> Project Address (Location): <u>Lot 3A Block 76, South Decatur Addition</u> Parcel(s) Tax ID R #: _____ <small>(LOT, BLOCK & SUBDIVISION OR SURVEY WITH METES & BOUNDS DESCRIPTION SEALED BY A LICENSED SURVEYOR)</small> Parent Project Name/Number <u>NA</u> Parcel(s) Tax ID GEO #: _____ Brief Description of Project: <u>Residential Rehab/Home Renovation</u> ETJ <input type="checkbox"/> Yes		
Please state the identity of any individual(s), or other entities that presently hold a lien upon the real estate which is the subject of this request: <u>No lien holders/Property owned outright</u> <i>Lien holder/mortgagee must also sign plat for filing of record.</i>		
Existing Use: <u>MDR</u> Existing Zoning: <u>SF2</u> # of Existing Lots: <u>1</u> # of Existing Units: <u>1</u> Proposed Use: <input checked="" type="checkbox"/> Proposed Zoning: <input checked="" type="checkbox"/> # of Proposed Lots <input checked="" type="checkbox"/> Proposed Units: <input checked="" type="checkbox"/>		
APPLICANT INFORMATION: Please circle your preferred method of contact.		
Applicant / Company <u>Braided & Bundled, LLC</u> Email <u>tbbits1@gmail.com</u> Address <u>1709 CR 913</u> Phone <u>405 207 6086</u> Fax <u>817.704.4662</u> City <u>Burleson</u> State <u>tx</u> Zip <u>76028</u>		
Property Owner <u>Braided & Bundled, LLC (Todd Burger)</u> Email <u>tbbits1@gmail.com</u> Address <u>1709 CR 913</u> Phone <u>405 207 6086</u> Fax <u>817.704.4662</u> City <u>Burleson</u> State <u>tx</u> Zip <u>76028</u>		
Key Contact/Company <u>Rising M Construction (Buddy Miller)</u> Email <u>risingm.constructionco@gmail.com</u> Address <u>2548 CR 4680</u> Phone <u>682 478 8596</u> Fax _____ City <u>Boyd</u> State <u>tx</u> Zip <u>76023</u>		
(MUST BE SIGNED FOR ALL APPLICATIONS) - Letter of authorization required if signature is other than property owner and a letter of authorization is required from lienholder/mortgagee, if applicable. I hereby certify that I am the owner of the property identified in this application; or, that I am the authorized agent of the owner of said property; and that I am authorized to act in their behalf, and that this application, to the best of my knowledge and belief, is true and correct. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;">  SIGNATURE OF PROPERTY OWNER </div> <div style="width: 45%;"> _____ SIGNATURE OF LIEN HOLDER </div> </div>		For Departmental Use Only Case#: <u>V2018-05</u> Project Mgr: <u>TDPR</u> Total Fees: <u>150</u> Payment Method: <u>LOP</u> Submittal Date: <u>3/2/18</u> Accepted by: <u>FM</u>
PLAT WAIVER (MUST BE SIGNED FOR ALL PRELIMINARY, FINAL & REPLATS) I waive the statutory time limits in accordance with Section 212 of the Texas Local Government Code. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;">  SIGNATURE OF PROPERTY OWNER </div> <div style="width: 45%;"> _____ SIGNATURE OF LIEN HOLDER </div> </div> Known to me to be the person(s) whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity therein stated, Given under my hand and seal of office on this _____ day of _____ 20____		<div style="border: 2px solid blue; padding: 5px; text-align: center; color: blue; font-weight: bold;"> RECEIVED MAR 21 2018 CITY OF DECATUR DEVELOPMENT SERVICES </div>
Notary Public _____		



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State St ★ P.O. Box 1299 ★ Decatur, TX 76234 ★ www.decaturtx.org

Curb/Gutter

Design Standards Variance Request Subdivision Variance Request Checklist

General Requirements:

- ☐ A universal application form and the appropriate fees.
- ☐ A letter of explanation/justification. See section below.
- ☐ Submit a total of five (5) copies of site plan (if applicable) for the property. These copies should be individually folded with drawing side out.
- ☐ A location map clearly indicating the site in relation to adjacent streets, distance to nearest intersection and other landmarks.
- ☐ Submit one (1) copy of proof of ownership (recorded property deed or current year tax statements).
- ☐ Submit documentation on any and all liens and lien holders of property.
- ☐ I have reviewed the checklist and all submittals for completeness and accuracy. If application submittal is determined to be incomplete, additional fees may be assessed.

Variance Requested:

I, Braided & Bundled, LLC (Todd Burger), being the owner of the property located at 1303 S. Hatcher, Decatur, Tx which is is not currently under consideration for final platting, request a variance from:

☒ Design Standards

Chapter 1

- ☐ Section 106 Sidewalks
 - ☐ Construction (Section 106.1)
 - ☐ Minimum Width (Section 106.7)
 - ☐ Section 107 Landscape Design
 - ☐ Single-Family Landscaping Requirements
 - ☐ Multi-Family Landscaping Requirements
 - ☐ Office/Retail/Commercial Landscaping Requirements
 - ☐ Industrial Landscaping Requirements
 - ☐ Section 108 Buffering
 - ☐ Type A Buffering—4' Fence with one (1) linear landscaping band
 - ☐ Type B Buffering—6' Decorative fence architecturally compatible with general area with one (1) linear landscaping band
 - ☐ Type C Buffering—6' Decorative fence architecturally compatible with general area with two (2) linear landscaping bands
- Specify nature of request checked above

Chapter 2

- ☐ Section 201 Street Improvements
 - ☒ Curb and Gutter (Section 201.2.3)

Other

Specify Chapter

- ☐ Specify Section
- ☐ Specify Sub-Section

Specify nature of any item checked above Construction of curbs and gutters in the area is unnecessary due to the lack of such throughout the neighborhood. Property is an established residence that was constructed prior to curb/gutter ordinance.

☐ Subdivision Regulations

Specify nature of request

Form Updated: 03/2012

Content of the Letter of explanation/justification for a Variance:

I understand that I am applying for a variance from the Design Standards/Subdivision Regulations of the City of Decatur and that this variance can only be granted if I prove hardship by meeting all four of the conditions below. I also understand that financial or self-induced hardship cannot be considered for granting a variance. Below I explain exactly how I meet these four conditions:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land. (Specify how):

The property is an older established property that was developed prior to the existence of the curb/gutter ordinance. Curbs and Gutters are inconsistent throughout the neighborhood. The addition of curb/gutter will decrease the space available for other uses by the property owner.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. (Specify):

The Property is an already established home that has been in existence in the area for decades. Curbs/Gutters are inconsistent throughout the neighborhood. The addition of curbs and gutters will hurt accessibility of the property.

3. Granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area. (Specify):

Curbs and Gutters are inconsistent throughout the neighborhood. The lack of curbs and gutters at this property will not cause a concern for public health, safety or welfare because all of the other properties in the area have the same conditions.

4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the Design Standards or Subdivision Regulations and that the interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions. (Specify):

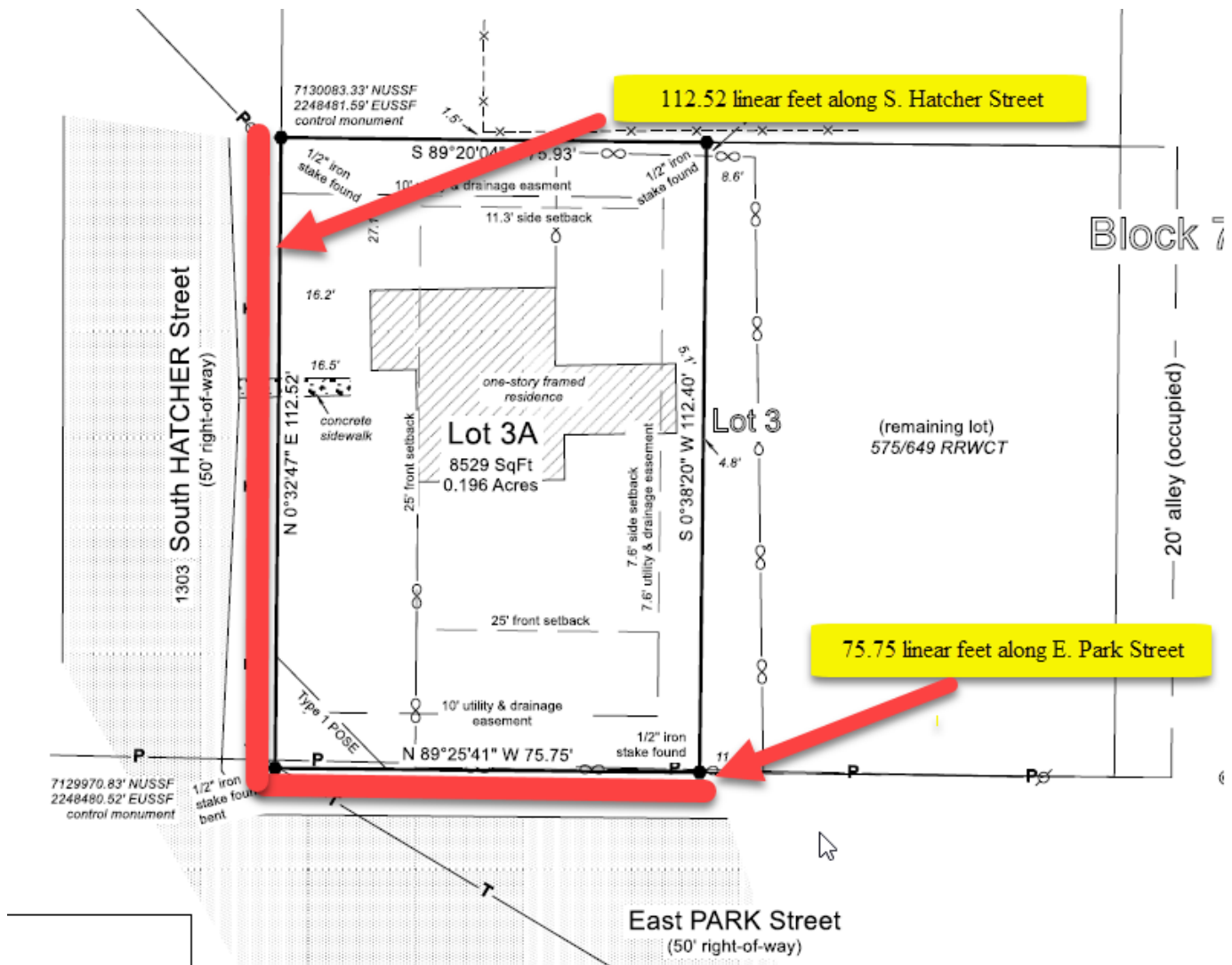
Curbs and gutters are inconsistent throughout the neighborhood. The granting of this variance will not effect orderly subdivision of other land in the area because the conditions that exist today have been sufficient for development in years past.

Todd Burger
Signature

3/21/18
Date

Form Updated: 03/2012

Attachment 3
Curb & Gutter Variance Exhibit



Attachment 4
Memo from City Engineer



**City of Decatur
City Engineer**

Memo

To: Shanna Smith
Dedra Ragland

Cc: Greg Hall
Katherine Griffith

From: Earl Smith, P.E., CFM, City Engineer

Date: 03/28/2018

Re: 2018-05; Variance Request, Curb and Gutter on S. Hatcher and E. Park Streets; Lot 3A, Block 76, South Decatur Addition; 1303 S. Hatcher

Comments on Variance Request:

From Subdivision Ordinance: 103.8 - Conditions for Approval.

No variance shall be granted unless the Council finds that all of the following conditions exist:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land;

Property is located and surrounded by Single Family homes; Appears property was developed prior to City having a Subdivision Ordinance which would have required curb and gutter. Curbs exist across street and next door on Hatcher; curbs exist across street on E. Park. The entire 100 & 200 blocks of E. Park is curbed on the north side. Curb and gutter is spotty in the neighborhood. Curb and gutter on this property will lend to a more continuous curbing of street and help preserve the street.

And;

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

Curb and gutter is not continuous in neighborhood but does exist in close proximity. The addition of curb and gutter should not affect property rights of owner.

And;

3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;

Curbs are limited in the neighborhood but do exist in close proximity. The property has been developed for many years, therefore it could be believed that the absence of curbs has not necessarily adversely impacted safety.

And;

4. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

Area surrounding property is built out; Future replatting of neighboring properties could occur, requiring construction of curbs.



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

STAFF REPORT

May 1, 2018–Planning & Zoning Commission Meeting

TO: Planning & Zoning Commissioners

CASE: RP2018-03

FROM: Dedra D. Ragland, AICP, Planning Director

APPLICANT: Luis Martinez

DATE: April 13, 2018

REQUEST: Replat Application

Case Notes:

Hear staff report and consider taking action to make a recommendation to City Council regarding Replat Application 2018-03—Mr. Luis Martinez's request to final plat Lots 1-4, Block 186R, Tarleton Addition, being approximately 0.782 acres and a replat of Block 186 and part of Block 187, James Tarleton Addition, to the City of Decatur, Wise County Texas. A complete legal description is included in the staff report.

Legality:

This property can be legally platted in accordance with Section 212 of the *Texas Local Government Code*.

Issues:

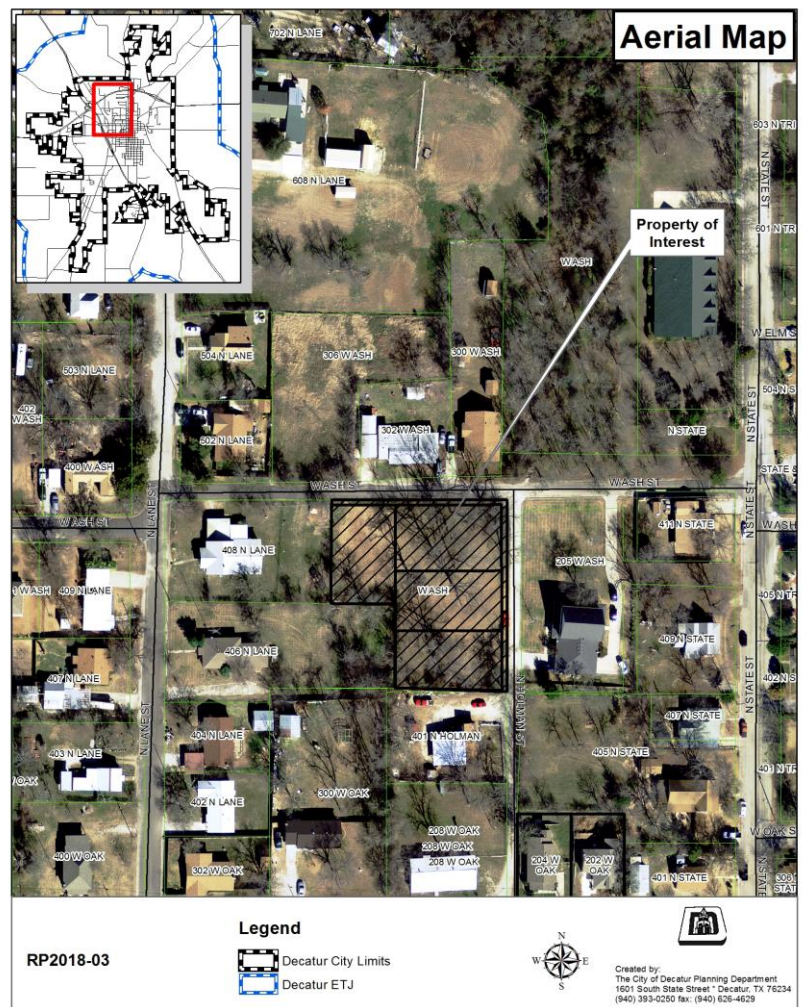
None.

Recommendation:

The plat meets the minimum requirements of the City of Decatur's Zoning Ordinance, Subdivision Regulations and the Design Standards. Staff recommends approval.

Attachments:

1. Replat Exhibit



LOCATION MAP

STAFF REPORT

May 1, 2018–Planning & Zoning Commission Meeting

TO: Planning & Zoning Commissioners

CASE: RP2018-05

FROM: Dedra D. Ragland, AICP, Planning Director

**APPLICANT: Buddy Miller, on behalf of
Todd Burger**

DATE: April 13, 2018

REQUEST: Replat Application

Case Notes:

Hear staff report and consider taking action to make a recommendation to City Council regarding Replat Application 2018-05—Mr. Buddy Miller’s request, on behalf of Mr. Todd Burger, to final plat Lot 3A, Block 76, South Decatur Addition, being approximately 0.196 acres of land and a replat of part of Lot 3 Block 76, South Decatur Addition, to the City of Decatur, Wise County Texas and more commonly referred to as 1303 S. Hatcher St., Decatur, Texas. A complete legal description is included in the staff report.

Legality:

This property can be legally platted in accordance with Section 212 of the *Texas Local Government Code*.

Issues:

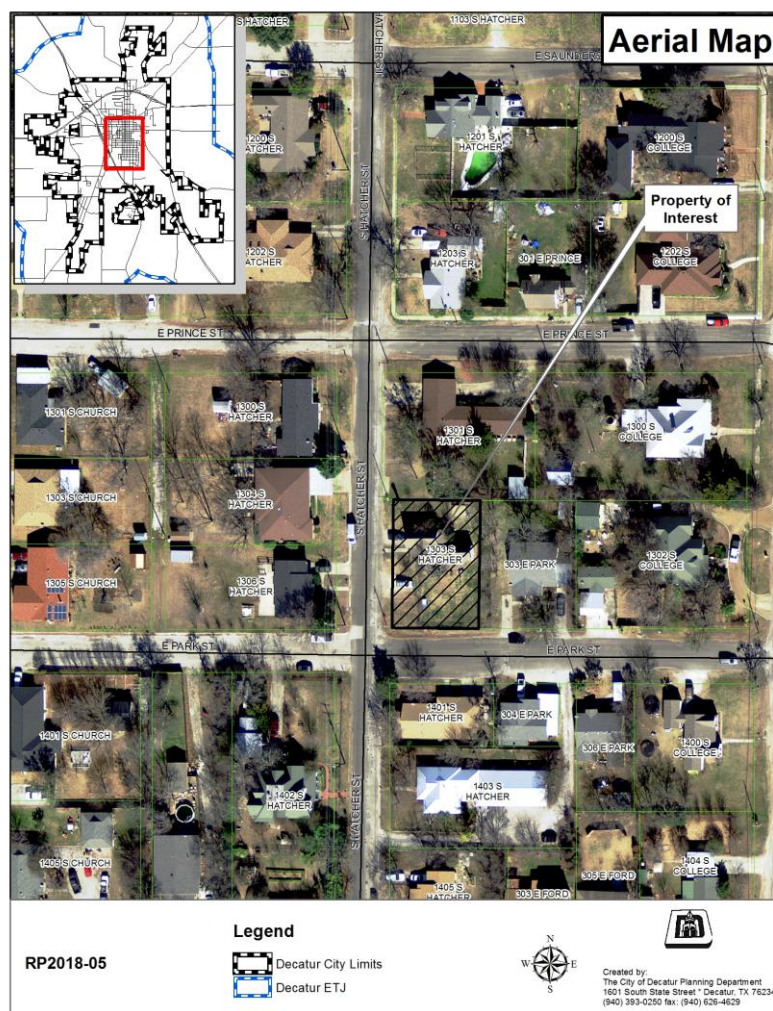
None.

Recommendation:

The plat meets the minimum requirements of the City of Decatur's Zoning Ordinance, Subdivision Regulations and the Design Standards. Staff recommends approval.

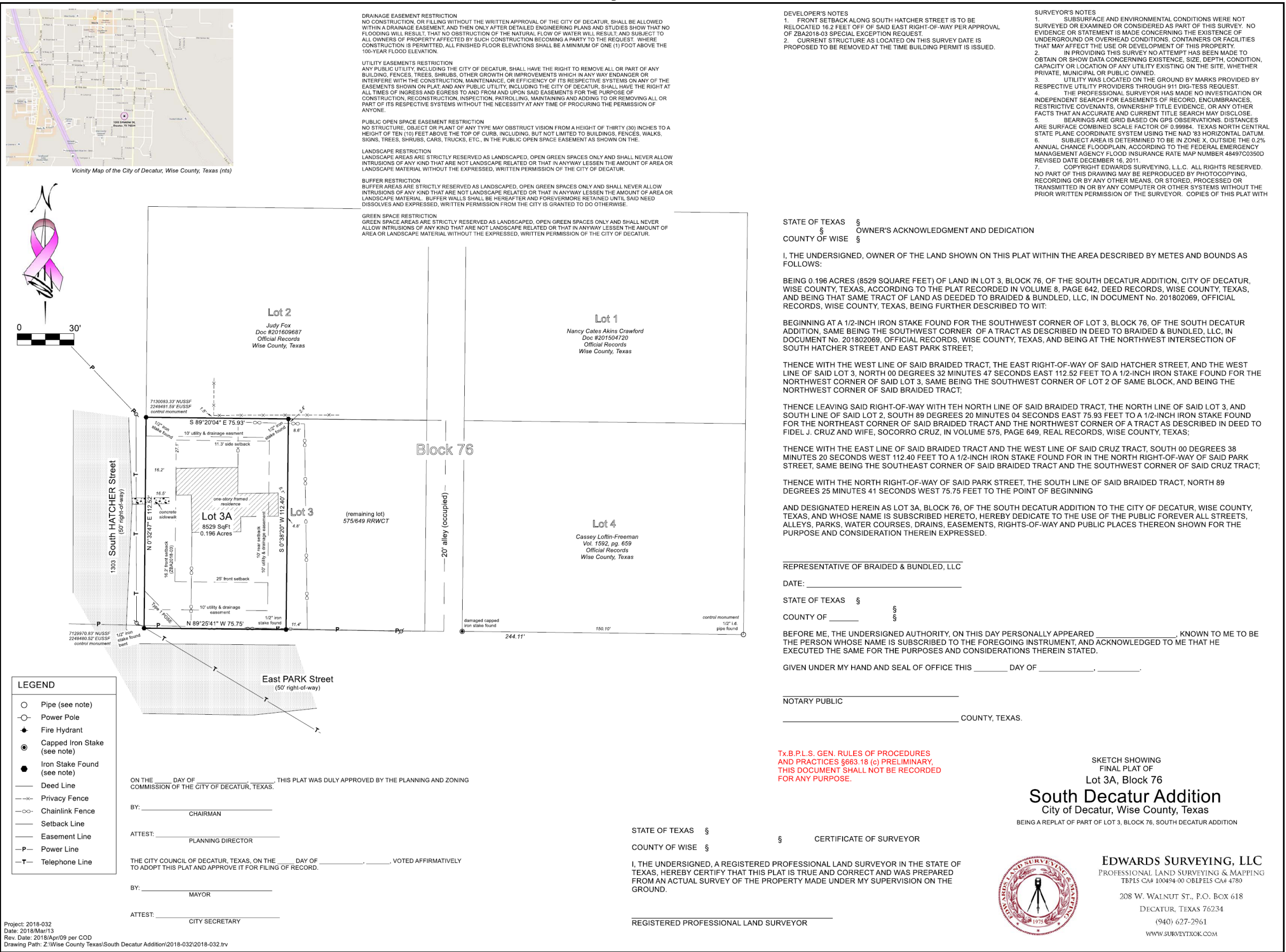
Attachments:

- ## 1. Replat Exhibit



LOCATION MAP

ATTACHMENT 1
Replat Exhibit





STAFF REPORT

May 1, 2018–Planning and Zoning Commission Meeting

TO: Planning & Zoning Commissioners **CASE:** SI2018-01
FROM: Dedra D. Ragland, AICP, Planning Director **APPLICANT:** City of Decatur
DATE: April 16, 2018 **REQUEST:** Amendment to the C-1A Zoning District Regulations as it relates to permitting ground floor apartments as part of a mixed use project

Case Notes:

Hear staff report and consider taking action to make a recommendation to City Council regarding an ordinance amending Appendix “B,” “Zoning” of the Code of Ordinances of the City of Decatur, Texas to adopt regulations relating to Article 5, “Zoning Districts” relative to the C1-A, Decatur Square Business District and the C2, Thoroughfare Business District to regulate Multiple Family Dwellings in a Mixed Use Development, relating to Article 6, “Use Chart,” Table 7 to allow Multiple Family Dwellings as Part of a Mixed Use Development with a Specific Use Permit and to remove the Loft Apartment Use as an allowed use in the Multiple Family Zoning District, providing amendments to Article 3, “Definitions” and other sections of Appendix “B,” “Zoning” as related to and resulting from the foregoing amendments to the C1-A, Decatur Square Business District and the C-2, Thoroughfare Business District.

Legality:

According to the Texas Local Government Code, the governing body of a municipality has zoning authority. The zoning regulations can be legally amended given proper notice (§211.006(a) and 211.007(c)), public hearings (§211.006 (a)), review and recommendation from the Planning & Zoning Commission (§211.007 (b)) and approval by City Council (§211.007 (b)).

Analysis:

Staff received a request from Aaron Cole on behalf of Mark Moran and Orison Holdings for an amendment to the C1-A zoning district to allow multi-family residential as an in-fill use. Specifically, Mr. Moran requested that the City Council amend the Decatur Square Business (C-1A) Zoning District Regulations to permit ground floor apartments either by right or with a Specific Use Permit (SUP). The C-1A Zoning District currently permits Loft Apartments by right. A Loft Apartment is defined as “an apartment dwelling unit located above a nonresidential use.”

The P&Z and City Council conducted a workshop January 29, 2018, and were in agreement that ground floor apartments are desirable in the Downtown Square area, and that permitting them with a Specific Use Permit (SUP) in the C-1A Zoning District on a case by case basis is also appropriate. The SUP requirement is consistent with Multifamily Uses in a C-2 Zoning District.

Since the workshop on January 29, Staff has concluded that multiple family dwellings as part of a mixed use development with a Specific Use Permit and removing the Loft Apartment Use as an allowed use in the

Multiple Family Zoning District, in addition to amending the Definitions and other sections of Appendix “B,” “Zoning” as related to the C1-A, Decatur Square Business District and the C-2, Thoroughfare Business District are appropriate.

The Downtown Square District is a fairly restricted area. The availability of large and/or vacant parcels of land for large scale multifamily development is limited. Small scale infill redevelopment and repurposing of existing buildings for multifamily development has economic benefits to the City and to the Downtown. More housing options become available and infill is one component of a broader array of strategies that make up smart growth. Infill development is valuable not only for the environmental benefits of using land more efficiently and directing growth into existing urbanized areas, but also the benefit that quality projects bring to neighborhoods and communities; however, because of the intensity of the multi-family use, it is important that infill development providing multi-family options occur in a manner consistent with the Comprehensive Plan and existing surrounding uses.

Relationship to the Comprehensive Plan:

The Long Range Master Plan provides the goals, objectives, policies, and implementation strategies that guide future development. It also contains data, maps, and lists of community development projects and programs that influence the future character and shape of the community. The Long Range Master Plan, while in need of updating, does encourage infill development.

Recommendation:

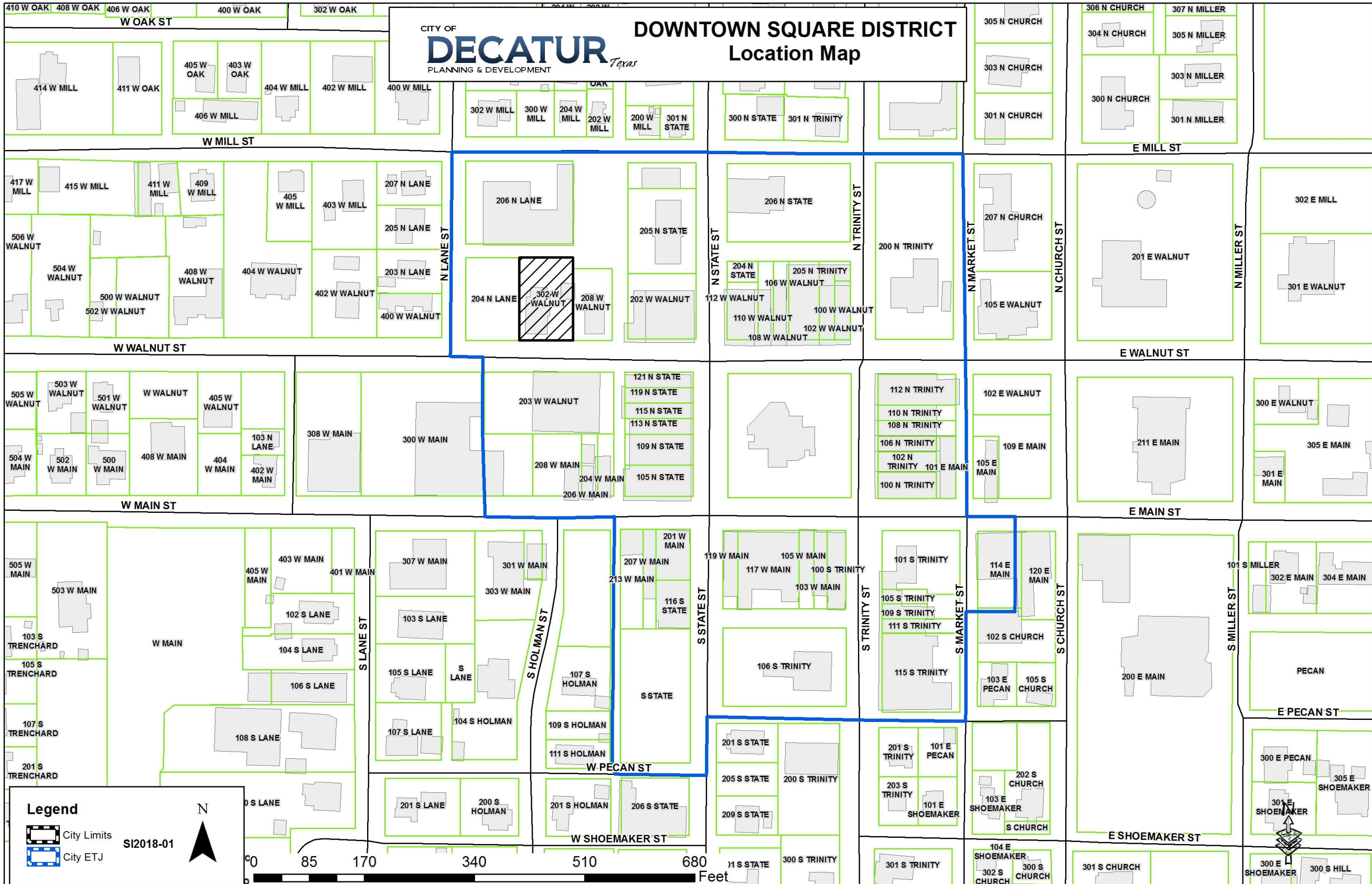
Based on input received from, City Council and P&Z, staff recommends amending Appendix “B,” “Zoning” of the Code of Ordinances of the City of Decatur, Texas to adopt regulations relating to Article 5, “Zoning Districts” relative to the C1-A, Decatur Square Business District and the C2, Thoroughfare Business District to regulate Multiple Family Dwellings in a Mixed Use Development, relating to Article 6, “Use Chart,” Table 7 to allow Multiple Family Dwellings as Part of a Mixed Use Development with a Specific Use Permit and to remove the Loft Apartment Use as an allowed use in the Multiple Family Zoning District, providing amendments to Article 3, “Definitions” and other sections of Appendix “B,” “Zoning” as related to and resulting from the foregoing amendments to the C1-A, Decatur Square Business District and the C-2, Thoroughfare Business District.

Attachment:

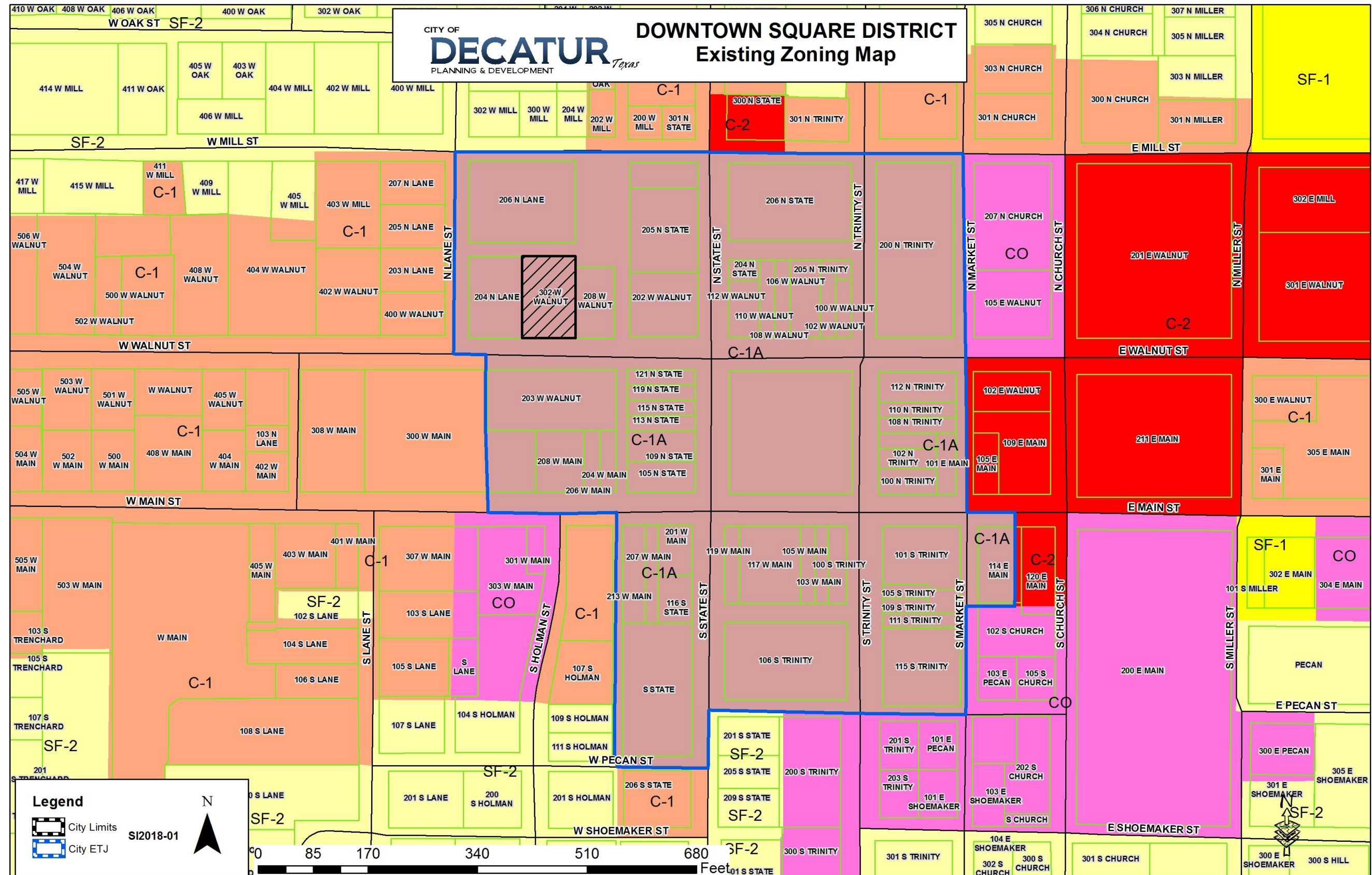
1. Maps:
 - a. Downtown Square District Location Map
 - b. Downtown Square District Zoning Map (C-1A Zoning)
 - c. Downtown Square District Land Use Map
2. Draft Ordinance

Attachment 1

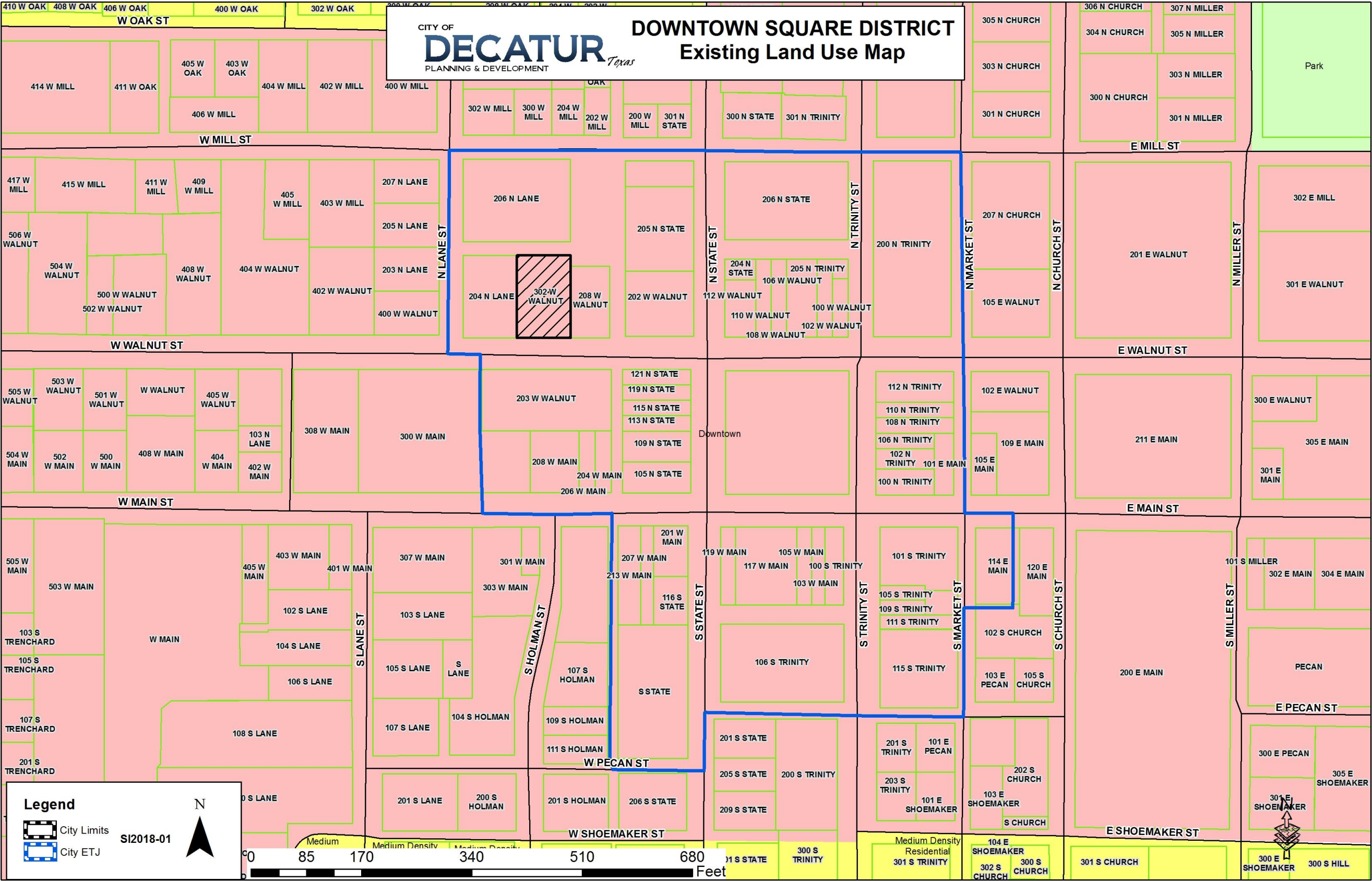
Downtown Square District Location Map



Downtown Square District Zoning Map (C-1A Zoning)



Downtown Square District Land Use Map





Attachment 2
Draft Ordinance

ORDINANCE NUMBER 2018-XX-XX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS BY AMENDING APPENDIX B— ZONING, ARTICLE 3, “DEFINITIONS”, SECTION 3.2 “DEFINITIONS” TO ADD A DEFINITION FOR “MIXED USE”; BY AMENDING ARTICLE 5 “ZONING DISTRICTS”, SECTION 5.1 “ZONING DISTRICTS ESTABLISHED”, SUBSECTION 5.1.10 C-1A, DECATUR SQUARE BUSINESS DISTRICT, E. “SPECIAL REGULATIONS” TO REGULATE MULTIPLE FAMILY DWELLINGS IN A MIXED USE DEVELOPMENT; AND BY AMENDING ARTICLE 6 “USE REGULATIONS”, SECTION 6.1 “USE CHART”, SUBSECTION 6.1.2 “ALLOWED USES AND PERMIT REQUIREMENTS”, TABLE 7. “PERMITTED USE CHART” TO ALLOW MULTIPLE-FAMILY DWELLINGS AS PART OF A MIXED-USE DEVELOPMENT APPROVED WITH A SPECIFIC USE PERMIT IN ACCORDANCE WITH THE TERMS OF THAT SECTION AND TO DISALLOW LOFT DWELLINGS OR LIVE-ABOVE UNITS WITH A SPECIFIC USE PERMIT IN MULTIFAMILY ZONING DISTRICTS IN ACCORDANCE WITH THE TERMS OF THAT SECTION; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A CUMULATIVE REPEALER AND SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND NAMING AN EFFECTIVE DATE. (SI2018-01)

WHEREAS, loft apartments are permitted in the C-1A and are defined as *Loft Dwelling* or *Live-Above Unit*: An apartment dwelling unit located above a nonresidential use; and

WHEREAS, the City of Decatur currently does not allow ground floor multiple-family dwelling uses of any kind in the C-1A (Decatur Square) Zoning District; and

WHEREAS, the City Council seeks to encourage mixed-use development in its central business district in order to allow a combination of multiple family dwellings and commercial uses with the approval of a Specific Use Permit; and

WHEREAS, Loft Dwelling or Live Above-Unit are permitted in the MF, Multiple Family Zoning District; and

WHEREAS, the City of Decatur now seeks to remove the Loft Apartment Use as an allowed use in the Multiple Family Zoning District as provided in Table 7; and

WHEREAS, the Decatur Planning and Zoning Commission having held a public hearing and heard public comment regarding changes to City's Zoning Ordinance relative to multiple family dwellings as part of a mixed use development and having made to the Decatur City Council a recommendation of approval of various amendments to the Zoning Ordinance, including amendments to the C1-A District and other regulations as more specifically set forth in this Ordinance; and

WHEREAS, after the holding of a public hearing and considering the comments and recommendation by the Planning and Zoning Commission, the Decatur City Council finds that permitting multiple-family dwelling uses as a mixed-use project with ground floor commercial uses along the street and multi-family uses along the street or when restricted to the upper floors, as loft dwellings or live-above units broadens the flexibility of the City's Zoning Ordinance; and

WEHREAS, the City Council further finds that such uses should only be allowed after approval of a Specific Use Permit as authorized by the Zoning Ordinance; and

WHEREAS, the City Council has determined that the proposed change to the C-1A Zoning District regulations and other regulations offers the opportunity to encourage highest and best land use practices within the City Limits, especially the Downtown District and is in the interests of public health, safety and welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF DECATUR, TEXAS:**

SECTION 1. The forgoing recitals are the findings of the City Council and are incorporated into this Ordinance as if set forth fully herein.

SECTION 2. The following amendments are hereby approved:

2.01. Article 3, "Definitions", Section 3.2 "Definitions" of Appendix B, "Zoning" of the City of Decatur, Texas is hereby amended to add a definition for the term "Mixed Use" which shall be and read as follows, such definition to be added in alphabetical order to the existing list of definitions, with all other definitions therein remaining the same without amendment:

Mixed Use: Any urban, suburban or village development, or even a single building, that blends a combination of residential, commercial, cultural, and/or institutional, uses, where those functions are physically and functionally integrated, and that provides pedestrian connections between floors and uses.

2.02. Article 5 "Zoning Districts, Section 5.1 "Zoning Districts", Subsection 5.1.10 C-1A, "Decatur Square Business District", Section E. "Special Regulations" of Appendix B, "Zoning" of the City Of Decatur, Texas Code Of Ordinances is hereby amended to be and read in its entirety as follows:

"E. Special Regulations. The following Multiple Family Dwelling uses shall be allowed within the C-1A, Decatur Square Business District upon issuance of a Specific Use Permit approved in accordance with this Ordinance: (1) as a Loft Dwelling or

Live-Above Unit on upper floors of a building; or (2) on the first floor of a building when part of a Mixed Use Development that includes commercial uses.”

2.03. Article 6, “Use Regulations,” Section 6.1 “Use Chart, Subsection 6.1.2 Allowed Uses and Permit Requirements,” Table 7. “Permitted Use Chart” of Appendix B, “Zoning” of the City Of Decatur, Texas Code of Ordinances is hereby amended to add Multiple Family Dwelling use when part of a Mixed Use Development and to provide an amendment to the existing regulation for Loft Dwelling or Live Above Units as provided below with all other uses in Table 7 remaining the same without amendment:

Type Use	SF-1	SF-2	TH	2F	MF	MHD	C-O	C-1	C-1A	C-2	LI	HI	PD	CD
Primary Residential Use														
Dwelling, Multiple Family (part of Commercial/Retail Development)									S	*				
Loft Dwelling or Live-Above Unit					*				*	S				

SECTION 3. That this Ordinance shall be cumulative of all other ordinances of the City of Decatur and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to any such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect

SECTION 4. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5. It shall be unlawful for any person, corporation, or other entity to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 6. This Ordinance shall take effect on its final passage and publication, and it is so ordained.

PRESENTED ON FIRST READING THIS _____ DAY OF _____, 2018

**PRESENTED ON SECOND READING AND APPROVED THIS _____ DAY OF
_____, 2018 BY A VOTE OF _____ AYES, _____ NAYS, _____ ABSTENTIONS, AT A
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS.**

APPROVED:

Martin B. Woodruff, MAYOR

ATTEST:

Diane Cockrell, TRMC, CITY SECRETARY

APPROVED AS TO FORM:

Mason L. Woodruff, CITY ATTORNEY